

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MARK ALAN LANE,

Case No. 3:13-cv-00100-PA

Petitioner,

OPINION AND ORDER

v.

MARION FEATHERS,

Respondent.

PANNER, District Judge.

Petitioner brings this 28 U.S.C. § 2241 habeas corpus action challenging a 2009 prison disciplinary decision finding him guilty of Threatening Another with Bodily Harm in violation of Code 203. According to petitioner, the Disciplinary Hearings Officer wrongly found him guilty of this charge because he did not direct his threat to "take a life" at any specific person. The court has rejected this line of reasoning in each of petitioner's last two challenges to different incidents involving his violations of Code 203. See *Lane v. Feathers*, 3:13-cv-00005-PA; *Lane v. Feathers*, 3:12-cv-02360-PA. Consistent with those decisions, the court

likewise denies relief in this case on the basis that the Bureau of Prisons has reasonably interpreted Code 203 to apply to threats of bodily injury not directed at a specific, identifiable individual,¹ and this interpretation is entitled to deference. *National Ass'n of Home Builders v. Defenders of Wildlife*, 551 U.S. 644, 672 (2007).

The Petition also vaguely notes that "A prisoner facing the loss of good conduct time is entitled to certain procedural protections[,] but petitioner does not raise any specific procedural due process claim. To the extent he intends to allege that his disciplinary hearing lacked the appropriate procedural protections, it is clear petitioner was given written notice of his hearing, sufficient opportunity to be heard and present evidence, and a written decision from the DHO as required by *Wolff v. McDonnell*, 418 U.S. 539, 563-66 (1974). Comstock Declaration, pp. 3-4; Attachment 5. Accordingly, relief on the Petition is denied.

CONCLUSION

The Petition for Writ of Habeas Corpus (#2) is DENIED.

IT IS SO ORDERED.

DATED this 27 day of June, 2013.



Owen M. Panner
United States District Judge

¹ Declaration of Jerrie Comstock, p. 4.